THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 21472 of 2006

Dated: -11-2006

Between:-

DN. Srinivasa Rao

...

PETITIONER.

And

The Director General of Police, Hyderabad and others.

...

RESPONDENTS

THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 21472 of 2006

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

The petitioner seeks issuance of a writ of Habeas Corpus for production of his daughter-in-law Thoshikana Madhavi, his sister Addanki Venkata Lakshmi and his wife Nistala Usha Rani.

2) The petitioner alleged that on 11.10.2006, the V Additional Munsif Magistrate, Guntur granted bail to Thoshikanta Madhavi, Addanki Venkata Lakshmi and Nistala Usha Rani who were involved in cases registered against them in Cr.No.187 of 2006, Cr.No.355 of 2006 for the offence under Section 379 IPC and Cr.No.622 of 2006 & Cr.No.623 of 2006 against his wife. On 12.10.2006 at about 8.30 P.M. when they were released and were coming out of the jail, the police personnel took them in a van and did not produce them before any Court contrary to law.

3) The 4th respondent the Sub Inspector of Police, filed counter affidavit *inter alia* stating that on 15.10.2006 at 1.30 P.M. the above detenues were arrested in a case registered in Crime No.123 of 2006 under Sections 420, 350 and 411 IPC by Srikalahasthi Urban Police and recovered some gold and produced them before the learned Munsif-Magistrate, Srikalahasthi on 16.10.2006 who in turn remanded

to judicial custody.

4) The learned counsel for the petitioner contended that the detenues were released on bail on 12.10.2006 while the 4th respondent maintains that they were arrested on 15.10.2006, these are all disputed questions, which we do not propose to enquire. Since admittedly, the detenues were produced before the learned Magistrate and are in judicial custody, nothing survives in the Writ Petition.

5) In the circumstances, the Writ Petition is dismissed. No costs.

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J.

CHELAMESWAR,J

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D. APPA

RAO,J
8th November 2006.

BCS